

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1624 OF 2007

1. Manu Romeshchander Sem and
ors. ..Petitioners

Vs.

1. The State of Maharashtra and ors. ..Respondents

Mr. O.R. Tiwari for petitioners.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 13, 2007.

P.C.:

1. Heard Mr. Tiwari the learned counsel for the petitioners who are praying for the quashing of C.R. No.388 of 2005 registered on the complaint of the present respondent no.2. Admittedly, after completion of the investigations in C.R. No.388 of 2005 charge-sheet has been filed before the learned Additional Chief Metropolitan Magistrate, 9th Court at Bandra and the case has been registered as C.C. No.487/PW/2007 and is now scheduled to come up before the trial court on 17/9/2007 for framing of charge.

The petitioners, therefore, pray for quashing of the proceedings in C.C. No.487/PW/2007 under the inherent powers of this court under Section 482 of Cr.P.C.

2. The petitioner no.1 and the respondent no.2 were married on 3/2/2005. It is alleged that the respondent no.2 left her matrimonial home on 20/6/2005 to stay with her parents and on 1/12/2005 she lodged the complaint which came to be registered as C.R. No.388 of 2005. During the pendency of the criminal complaint filed against the present petitioners by respondent no.2, the petitioner no.1 and respondent no.2 submitted a joint petition for divorce under Section 13B of the Hindu Marriage Act, 1955 sometimes in September, 2006 before the Family Court at Mumbai. The decree of divorce by consent has been passed on 20/3/2007 by the Family Court and, therefore, the petitioners state that the respondent no.2 having agreed to withdraw all the charges against the petitioners, the pending complaint should be quashed.

3. The petitioner no.1 and the respondent no.2 are present before the court and the respondent no.2

admitted that the marriage has been annulled by mutual consent by the Family Court as per the order dated 20/3/2007 and she has no objection if the pending complaint against the petitioners, on the basis of her FIR, is quashed by this court.

4. Hence, the petition is allowed in terms of prayer clause (a) and by consent of respondent no.2. Consequently, the respondent no.2-wife is at liberty to withdraw the amount of Rs.1,25,000/- as per the bank guarantee.

(B.H. Marlapalle, J.)